

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COMPASS-CHARLOTTE 1031, LLC,

Plaintiff,

Case No.:1:24-cv-55 (MAD/DJS)

-against-

PRIME CAPITAL VENTURES, LLC
BERONE CAPITAL FUND, LP
BERONE CAPITAL PARTNERS LLC
BERONE CAPITAL LLC
BERONE CAPITAL EQUITY FUND I, LP
405 MOTORSPORTS LLC f/k/a Berone Capital Equity
Partners LLC

DECLARATION OF
PAUL A. LEVINE, ESQ. IN
OPPOSITION TO MOTION
TO VACATE RECEIVERSHIP
AS TO BERONE
DEFENDANTS

Defendants.

PAUL A. LEVINE, as RECEIVER of PRIME CAPITAL
VENTURES, LLC,

Third-Party Plaintiff,

-against-

KRIS D. ROGLIERI, TINA M. ROGLIERI, KIMBERLY A.
HUMPHREY a/k/a KIMMY HUMPHREY, PRIME
COMMERCIAL LENDING, LLC, COMMERCIAL
CAPITAL TRAINING GROUP, THE FINANCE
MARKETING GROUP, NATIONAL ALLIANCE OF
COMMERCIAL LOAN BROKERS LLC, FUPME, LLC,

Third-Party Defendants,

I, Paul A. Levine, Esq., hereby declare the following under penalty of perjury, pursuant to
28 U.S.C. §1746:

1. Pursuant to the Court's Memorandum-Decision and Order dated January 24, 2023,
I was appointed as permanent Receiver (the "Receiver") for Defendants in this action, Prime
Capital Ventures, LLC ("Prime"), Berone Capital Fund, LP, Berone Capital Partners LLC, Berone

Capital LLC, Berone Capital Equity Fund I, LP, and 405 Motorsports LLC f/k/a Berone Capital Equity Partners LLC (collectively “Berone”).

2. This declaration is based upon my personal knowledge.
3. To date, with respect to Berone, I have collected the following monies:
 - Berone Capital Fund LP – from TD Bank - \$14,285.27
 - Berone Capital Partners LLC – from Interactive Brokers LLC - \$118,335.90¹
4. Berone also has two other investments housed at RBC. The first is 1,808.5106 shares of LHL Strategies and the other is 261,000 shares of Lighthouse Life Cap LLC, neither of which RBC can easily liquidate. The book value of these investments as of year-end 2023 was approximately \$2,000,000.
5. Attached hereto as Exhibit “1” is a true and correct copy of a letter dated February 13, 2024 from Hogan Lovells to myself which is docketed at Doc. No. 129-2.
6. Attached hereto as Exhibit “2” is a true and accurate copy of an email from Peter Damin, Esq. dated February 14, 2024 to Thomas McNamara, Esq.
7. Attached hereto as Exhibit “3” is a true and accurate copy of an email from Thomas McNamara, Esq. to myself with two single page attachments.
8. To date, information on a Ferrari and a Rolls Royce, vehicles referenced in Berone’s banking records and requested by Mr. Damin’s email of February 14, 2024 has not been provided.
9. To date, I have not been contacted by any client of Berone.

¹ Interest in the amount of \$279.99 has accrued on these amounts.

10. Attached as Exhibit “4” is a true and accurate copy of the Alleged Debtor’s Reply in Further Support of Motion for a Bond filed in *In re Prime Capital Ventures, LLC, Case No. 23-11302, NDNY*.

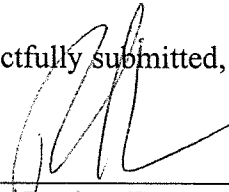
11. Attached as Exhibit “5” is a true and accurate copy of an email from Thomas McNamara, Esq. dated March 12, 2024 to the Receiver and the one page attachment sent therewith.

12. Attached as Exhibit “6” are true and accurate copies of TD Bank statements for Berone Capital LLC received by the Receiver from TD Bank for account ending in no. 1876 for the period October 1, 2022 to December 31, 2022.

13. The Receiver has engaged BST’s (headquartered in Albany, New York) forensic accounting team to review banking records; including those of Berone. BST is actively engaged in that review which includes advising the Receiver as to what additional records need to be obtained.

Dated: March 13, 2024
Albany, New York

Respectfully submitted,



Paul A. Levine, Esq.
Receiver
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